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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the 1248th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 21 October 2014, at 3 p.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of the Bolivarian Republic of Venezuela (continued) (CEDAW/C/VEN/7-8; CEDAW/C/VEN/Q/7-8 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Bolivarian Republic of Venezuela took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Tarazón** (Bolivarian Republic of Venezuela), replying to a question raised at the previous meeting about the monitoring of policies and programmes for women, said that her country had a national system for monitoring public policy through departments in each ministry, including the Ministry of People's Power for Women and Gender Equality. Inspectors in the field monitored the local implementation of services provided by that Ministry, which in turn prepared periodic reports for the Office of the President and the Ministry of People's Power for Planning. The President reported yearly to the National Assembly on the implementation of policies, including those relating to the empowerment of women.

Articles 7 to 9

3. **Ms. Pimentel** noted that, according to a recent study sponsored by the International Court of Justice, many female judges in Venezuela held temporary appointments. Pointing out that tenure protected judges from adverse consequences of impartial rulings, she requested updated information on the case of Judge Maria Lourdes Afiuni, who had been punished for activities relating to her judicial functions.

4. She asked whether the Venezuelan Government might reconsider its decision to denounce the American Convention on Human Rights.

5. **Ms. Bareiro-Bobadilla** said that she was concerned that declaring quotas unconstitutional, as had recently been done, could be a step backward. Temporary special measures were endorsed not only in the 1999 Constitution but in article 4 of the Convention, which should prevail over the Constitution.

6. She echoed Ms. Pimentel's concerns regarding the case of Judge Afiuni.

7. **Ms. Neubauer** asked what steps the State party was taking to increase the participation of indigenous women and women of African descent in high-level decision-making.

8. **Mr. Devoe** (Bolivarian Republic of Venezuela) said that Judge Afiuni had been prosecuted for various offences against Venezuelan law, including corruption. She had been temporarily released from prison, partly because of her health status, and had to appear before a court periodically while awaiting judgement. Hearings in connection with her case had been suspended on numerous occasions because she had refused to enter the courtroom. Respect for her human rights was constantly monitored by the authorities. Representatives of the Ombudsman's Office had visited her many times in prison, and she had never told them that her human rights were being violated. She had published allegations about being raped in prison in a recent book, after which the authorities had investigated the allegations. Judge Afiuni had been invited to provide information on the matter but had refused to do so.

9. **Mr. Arias** (Bolivarian Republic of Venezuela) said that his Government had no interest in ratifying the American Convention on Human Rights, as in its view the Inter-

American Commission on Human Rights had changed from a judicial body into a political body with judicial aspirations. As far as his Government was concerned, the Inter-American Court of Human Rights no longer had jurisdiction in Venezuela.

10. **Ms. Yekuna Martínez** (Bolivarian Republic of Venezuela) said that the Ministry of People's Power for Indigenous Peoples was currently headed by a woman, and that the recently established Presidential Council for Indigenous Peoples included many women. Such measures were expected to strengthen participation by those two groups.

11. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that there were many examples of women's high-level participation in government.

12. **Ms. Zuleta de Merchán** (Bolivarian Republic of Venezuela) said that while arguments about electoral quotas persisted, the trend in the Bolivarian Republic of Venezuela was towards achieving parity. Regarding judicial independence, she said that the Venezuelan judiciary was independent and autonomous. Supreme Court judges served non-renewable 12-year terms.

Articles 10 to 14

13. **Ms. Gbedemah** said that while the Bolivarian Republic of Venezuela had made progress towards achieving gender parity in education, pregnancy and early parenthood still prevented many adolescent girls from completing school. In its replies to the list of issues and questions relating to the combined seventh and eighth periodic reports, the State party had stated that it was developing activities to provide adolescents and adults with training and education on issues relating to sexual and reproductive health. She stressed that such education should be age-appropriate, should target boys as well as girls, and should also equip teachers to address issues such as sex tourism. She asked when the curriculum would be rolled out.

14. The Committee would welcome information on the actual numbers of girls who had benefited from the policy for encouraging pregnant girls to return to school, and not just percentages. She asked whether temporary special measures to achieve social parity for indigenous women and women of African descent had been implemented in the field of education and, if they had been, how compliance was monitored. She requested information about the state of special education in the State party.

15. **Ms. Haidar**, noting that the Venezuelan Government lacked not only quantitative but qualitative information about the state of the educational system, asked how quality was monitored.

16. **Ms. Gbedemah** asked what steps were being taken to tackle the prevalence of teen pregnancy, which discouraged young women from finishing school and thus hampered their entry into the labour market. Referring to the mention in paragraph 148 of the State party's report of factors preventing women's access to high-level posts, she asked what measures were in place to reduce the pay gap, ensure equal pay for work of equal value and encourage women to take jobs traditionally done by men, which tended to offer higher salaries. Had a study on the issue of equal pay for equal work been conducted as requested by the Committee in its concluding observations on the State party's combined fourth, fifth and sixth periodic reports (CEDAW/C/VEN/CO/6)? Had special temporary measures been implemented in fields in which women were underrepresented, and for underrepresented categories of women?

17. Noting that the legal definition of sexual harassment did not include the creation of a hostile environment, she asked what measures were being taken to make that definition comprehensive, ensure that all workplaces had a sexual harassment policy and establish an entity to monitor progress on the issue. She wished to know how many complaints of

sexual harassment had been filed in the past four years, what the outcomes had been and what sanctions had been imposed.

18. Citing information received by the Committee about violations of labour legislation pertaining to domestic workers, especially with regard to pre- and postnatal leave, breastfeeding and childcare, she asked how compliance was monitored, what findings had resulted from such monitoring and what had been done to tackle shortcomings.

19. Lastly, she requested information about the provision of pensions to women who did not engage in paid employment.

20. **Ms. Nwanko** said that information would be appreciated on measures to address maternal mortality as a result of unsafe abortions, the prevalence of unsafe abortions, access to post-abortion services and the decriminalization of abortion in certain circumstances. She wondered what the impact the measures taken under the Strategy of Accelerated Reduction of Maternal and Neonatal Morbidity and Mortality in Venezuela and the National Plan for Sexual and Reproductive Rights had had on the rate of maternal mortality and on sexual and reproductive health services for women. She asked whether a Government strategy was in place to ensure access to contraception with a view to preventing unwanted pregnancies and the unsafe abortions which often ensued. She wished to know the status of the bill to promote equality of treatment for persons living with HIV/AIDS that been submitted to the National Assembly in July 2014. What was being done to address the prevalence of HIV/AIDS cases in the State party?

21. **Ms. Yekuna Martínez** (Bolivarian Republic of Venezuela) said that the eradication of illiteracy in the State party was testament to the importance the Government attached to the right to education for all. Through the *Robinson* mission (CEDAW/C/VEN/7-8, para. 46), large numbers of women, including from indigenous groups, had received literacy training. Bilingual education for pupils belonging to indigenous communities was guaranteed under the Constitution. Girls accounted for almost half of nursery and preschool enrolments and over half of university enrolments. Women were employed in all sectors and received training in diverse subjects, and many female undergraduate and postgraduate students received economic assistance. The Research and Innovation Promotion Programme provided economic incentives to encourage scientific research, and 57 per cent of Programme beneficiaries were women. Furthermore, women accounted for the majority of the parents and teachers participating in the current nationwide consultation on education. The consultation dealt with curriculum design and measures to mainstream the gender perspective. Age-appropriate programmes on sexual and reproductive health rights, including the issue of gender violence, were provided to pupils at all levels of education and adults. A resolution had been adopted to guarantee the right of teenage mothers to continue their education. Maternity rights were enshrined in legislation, which ensured that a woman who was pregnant or who had recently given birth could not be dismissed from her job, and provided for comprehensive maternity and paternity leave, nursing breaks and protection for pregnant women and mothers with disabilities.

22. Sexual harassment had been defined as a crime in national legislation. Measures to combat sexual harassment had been introduced through the Act on Women's Right to a Life Free from Violence. The Labour Act provided for protection against sexual harassment in the workplace, establishing the responsibility of employers to monitor and prevent cases of sexual harassment. The authority responsible for receiving complaints of sexual harassment was the National Institute for the Protection of Health and Safety at Work. Furthermore, the office of an ombudsman for women workers had been established to follow up reports of violations and to enforce labour legislation.

23. The number of workers in the informal sector had fallen owing to the formalization of employment for many people, particularly women, thus contributing to the reduction of

women's unemployment. The Neighbourhood Mothers mission guaranteed social protection for housewives and fostered women's economic empowerment through production projects. The mission had resulted in the development of small-scale and family businesses. Currently, over 1 million women benefited from the national social security pension.

24. **Mr. Zapata** (Bolivarian Republic of Venezuela) said that the bill on pensions guaranteed housewives' right to pensions by allowing them to contribute to the social security system. Currently, women over the age of 55 could make contributions to a pension based on the minimum wage. Women over the age of 60 could make reduced contributions, while those over 71 were exempt from making pension contributions. The Neighbourhood Mothers mission and the *En amor mayor* project ensured the effective application of the new legislation through the establishment of a permanent mechanism for social security contributions by housewives and other domestic women workers.

25. **Ms. Villegas Poljak** (Bolivarian Republic of Venezuela) said that the State party invested heavily in antiretroviral therapy and that free and universal treatment was guaranteed for all persons living with HIV/AIDS. Women accounted for over a quarter of persons currently receiving antiretroviral therapy. The high-cost pharmacy network, which comprised 14 outlets, provided free access to medicines and treatment for various diseases, including antiretroviral drugs for HIV/AIDS patients. Drugs which could not be produced in the country were procured from the international market by a government body designed for that purpose. In addition, a network of 26 pharmacies had been established to distribute high-demand drugs at an affordable cost.

26. Just under a quarter of all live births in the State party were the result of teenage pregnancies. With assistance from the United Nations Population Fund, guidelines on comprehensive care for teenage pregnancy had been drawn up with a view to implementing the Pan-American Health Organization's Safe Maternity Initiative and achieving Millennium Development Goal 5 by reducing maternal mortality. To that end, various contraceptive methods had been made available to women and girls at the country's comprehensive maternity care centres. According to recent statistics, the average number of deaths resulting from pregnancy ending in abortion stood at 43 per year. Post-abortion services had been improved to treat women who had undergone incomplete abortions, and numerous kits had been distributed, in accordance with World Health Organization guidelines, for the management of such abortions.

27. **Ms. Pires**, while commending the social and economic benefits provided for women, wondered whether the economic crisis had adversely affected the strategies adopted and the resources allocated to different groups of women. Was the Government concerned that the Neighbourhood Mothers' committees might generate a culture of dependency on government handouts, and if so, what had it done to prevent such dependency? She also wished to know what measures were being taken to encourage gender parity in sports and cultural activities, and asked whether women had equality of access to social security.

28. **Ms. Gabr** asked whether payment of the minimum wage was enforced in the agricultural sector and whether the provision for paid leave for women working in that sector was effectively applied. She would appreciate further information on any safeguards in place for rural women, including retirement pensions. She wondered whether employment opportunities were being created in the production sector in order to curb the rural exodus towards the urban slums generated by the current economic crisis. What measures were being taken to make microcredit available to women? She also wished to know what was being done to address the impact of the economic crisis on social services, including the provision of safe drinking water, in rural areas. Further information would be appreciated on the services and employment opportunities available to indigenous

communities and people of African descent as well as women with disabilities and women migrant workers.

29. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that, despite the economic crisis, the Government had increased social spending. In 2014, it had allocated $45 million to programmes for the social and employment inclusion of women, including a community development bank. A recently adopted youth employment law provided for job opportunities for girls in secondary and higher education, and a youth skills development fund had been established with an initial endowment of $5 million.

30. **Ms. Martínez** (Bolivarian Republic of Venezuela), replying to questions regarding rural women, said that the Land Act stipulated that female heads of household who agreed to farm as a means of providing for their families were given priority in the allocation of plots. A special food subsidy was also available to pregnant women and new mothers. Since its establishment, the Women's Development Bank had approved over 150,000 microloans for underprivileged women, nearly 30 per cent of which had been earmarked for agricultural projects. The Ministry of People's Power for Women and Gender Equality also ran projects to integrate rural women into the production chain, and a network of tourism companies provided training to enable women living in extreme poverty to enter the industry.

31. **Ms. Gbedemah** asked whether any temporary special measures for the education of indigenous and Afro-descendent women had been introduced and, if not, why.

32. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that the Ministry of People's Power for Women and Gender Equality and Ministry of People's Power for Sport operated a joint nationwide sports programme whose chief objective was to promote healthy lifestyles and prevent certain diseases, including forms of cancer that affected women. The country had recently received a second commendation from the Food and Agriculture Organization of the United Nations (FAO) for its access-to-food programmes.

33. **Mr. Devoe** (Bolivarian Republic of Venezuela) said that the bill on non-discrimination against persons living with HIV/AIDS and their families had been drafted in conjunction with UNAIDS and a number of national HIV/AIDS advocacy organizations and contained provisions regarding pregnant women. It had been unanimously approved by the Government in August 2014 and was pending promulgation by the President. The legalization of abortion under specific circumstances was on the parliamentary agenda.

34. **Ms. Halperin-Kaddari** asked why, in the light of the judicial review mandate of all domestic courts and the predominance of international instruments over national laws, the minimum marriage age remained 16, in violation of both the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. She wished to know how prevalent child marriage was and whether married children had limited legal capacity by virtue of being underage. Drawing the delegation's attention to the Committee's general recommendation No. 29, she asked whether the definition of property acquired during marriage included intangible assets, such as pensions and insurance policies, which were usually obtained by the working spouse and not formally considered to be joint property. She requested further information on the constitutional protection of the rights of persons in de facto unions, specifically what the criteria were for recognizing such unions and whether the partners enjoyed the same rights as married couples in matters such as alimony, inheritance and property.

35. **Ms. Madriz** (Bolivarian Republic of Venezuela) said that female literacy, including among vulnerable and indigenous women, was addressed through a number of programmes and projects, notably the National Feminist Education Plan. Furthermore, the National Institute for Socialist Education and Training provided vocational training to low-skilled

women to improve their employment prospects in various — often traditionally male — sectors such as agriculture, construction, manufacturing and telecommunications.

36. **Ms. Zuleta de Marchán** (Bolivarian Republic of Venezuela) said that the minimum marriage age remained 16 years because, although the courts could repeal discriminatory provisions, they did not have legislative powers. Nevertheless, they would continue to press the issue with the National Assembly in order to bring relevant national laws into line with international instruments. In the absence of a prenuptial agreement, all assets acquired during marriage were divided equally, except intangible assets, which reverted to the spouse who had acquired them. In the dissolution of de facto unions, jointly owned assets were divided equally, provided that the woman could prove that she had contributed to their acquisition.

37. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that proposed legislation submitted to the President contained a set of reforms, including a recommendation to raise the minimum marriage age to 18. Regarding the case of Judge Afiuni, she requested the Committee to transmit the reports and complaints it had received in that connection so that the authorities might proceed with enquiries, given that they had no evidence to support the allegations.

38. In conclusion, the Government of the Bolivarian Republic of Venezuela was committed to defending women's rights, and its challenge for the next few years was to make gender a cross-cutting policy issue. It valued the Committee's recommendations and would welcome any input it could provide on tackling negative gender stereotypes in the media.

39. **The Chairperson** thanked the delegation for engaging in a constructive dialogue and commended the State party on its efforts, which it was encouraged to continue, taking into account the Committee's forthcoming recommendations. Speaking in her personal capacity, she urged the State party to strengthen the rule of law and, in particular, to improve women's access to justice.

The discussion covered in the summary record ended at 5.05 p.m.